IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 560/2007
(Gagnendra Katiyar Vs. State of Rajasthan & Anr.)

Date of Order : 12/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Pushpendra Singh, for the petitioner.

BY THE COURT:-

By the instant writ petition, the petitioner seeks a direction to the respondents to continue him in regular service with all consequential benefits.

I have heard learned counsel for the petitioner.

From the documents annexed with the writ petition as also a public notice published in the daily newspaper Annex.6, it appears that from 10.1.1994 to 30.11.1994 and 2.1.1995 onwards the petitioner remained absent. Various notices were issued by the respondent department requiring the petitioner to join duties including publication of notice in the newspaper vide Annex.6.

Learned counsel for the petitioner has placed on

record the memo dated 3.2.2007 by which it appears that a departmental inquiry under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short 'the CCA Rules" hereinafter) has been contemplated and memorandum of charges has been sent to the petitioner requiring him to appear before the inquiry officer i.e. Executive Engineer, Construction and Maintenance Circle, Pugal Branch, Division-I, I.G.N.P. Phalodi as also to file his written statement within 15 days of the receipt of the memo, else the department inquiry will be proceeded ex-parte.

Counsel for the petitioner submits that the petitioner has been approaching the respondents but they are not allowing him to participate in the inquiry. Be that as it may, prima-facie it appears that the petitioner is absent without leave since 1994 and department has rightly initiated departmental inquiry under Rule 16 of the CCA Rules. It is the petitioner who is to now appear before the inquiry officer and put his defence including filing of the written statement. In the circumstances, therefore, it is expedient to direct the respondent Executive Engineer, Construction and Maintenance Circle, Pugal Branch, Division-I, IGNP, Phalodi the inquiry officer as is evident from the memo dated 3.2.2007 to allow the petitioner to appear before him and put his case on 20.2.2007 and if the petitioner appears before the inquiry officer-respondent, the respondent will hold the

inquiry including taking on record the written statement if any filed by the petitioner and the evidence put forth by the petitioner in accordance with law.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

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